## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

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) Case No. CIV-09-325-R
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## **ORDER**

Before the Court is the Report and Recommendation of United States Magistrate Judge Robert Bacharach entered March 27, 2009. Doc. No. 5. Also before the Court is Petitioner's "Response for Filing Fee," Doc. No. 6, which the Court treats as an Objection to the Report and Recommendation. The Magistrate recommended that the Court enter an Order denying Petitioner's motion for leave to proceed *in forma pauperis*, order Petitioner to pay the \$5.00 filing fee within 20 days and dismiss this action in the event Petitioner fails to pay the filing fee within 20 days or show good cause for his failure to do so. Petitioner in his response states that he may not be able to meet the 20-day deadline because the prison process for obtaining payment can take up to three weeks. In light of Petitioner's response, the Report and Recommendation of the Magistrate Judge is ADOPTED in its entirety except that Petitioner is ORDERED to pay the filing fee within thirty (30) days of the date of this Order. Therefore, Petitioner's motion to proceed *in forma pauperis* is DENIED and this action shall be dismissed without prejudice unless within thirty (30) days the filing fee is received or Petitioner shows good cause for failure to pay the filing fee.

IT IS SO ORDERED this 3rd day of April, 2009.

DAVID L. RUSSELL

UNITED STATES DISTRICT JUDGE